

Andrew Faglio took on General Motors and won. Then he took on the task of writing about his experience so other car buyers stuck with lemons can squeeze satisfaction—and bucks—out of automakers.

Faglio is author of *LemonAid! A Layperson's Guide to the Automobile Lemon Laws* (LemonAid Consulting Inc., P.O. Box 411, Bayside, N.Y. 11361; \$12.95). So far he's broken even on publishing the book. But more than the money, says Faglio, he relishes helping others in need of lemon-aid.

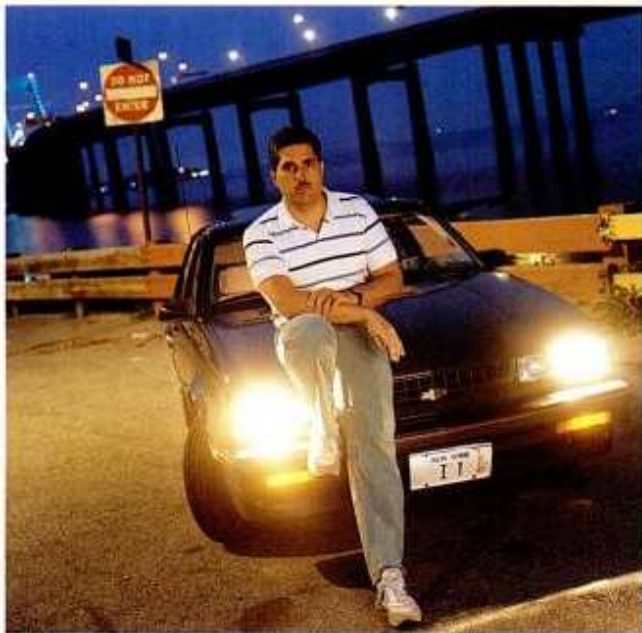
FIERO FIASCO. Faglio's story begins in November 1984, three months after he bought a new 1984 Pontiac Fiero. The car began to run rough. "When you stepped on the accelerator, it was like a lawn mower getting ready to stall out," says Faglio. He thought the Fiero had a cracked engine. But the dealership disagreed and, says Faglio, "played the old remove-and-replace routine," changing spark plugs, ignition wires and the electronic module in the engine's computer in an effort to correct the problem.

Meanwhile, Faglio, 39, an aerospace engineer who oversees contracts for Grumman in New York City's Long Island suburbs, had to carpool to work.

Pontiac finally conceded that its piecemeal approach wasn't working. But instead of giving Faglio a new engine, the company wanted to replace only the bottom end of the engine—the so-called short block. "I told them I didn't pay \$12,800 for a car with half an engine," says Faglio.

After writing and calling GM's regional and home offices without success, Faglio turned to New York State's lemon law, designed to help car owners in his predicament.

BUILDING A CASE. Faglio had the option of suing GM directly or taking his case



Andrew Faglio thought his car was a lemon. GM disagreed. So Faglio sued the carmaker—and won.

to arbitration. He chose arbitration, which at the time was conducted by the Better Business Bureau (BBB). "For all its good intentions, the BBB couldn't handle it," says George Haggerty, Faglio's attorney.

The arbitrator assigned to Faglio's case was a professor from nearby Adelphi University who admitted he knew nothing about engines. Five weeks after the 20-minute hearing, Faglio was awarded the short block and compensation for his travel costs.

Outraged, Faglio purchased an \$1,800 clunker to get to work and decided to sue GM. Some lawyers wanted \$500 up front and an extra \$300 for court fees. Haggerty, then 26 and fresh out of law school, agreed to take the

case on contingency.

Documentation is everything in a lemon-law case. Faglio had prepared a six-part folder with space for service records and receipts, correspondence, supporting documents and research. He "was so utterly organized he made my job very easy," says Haggerty. "Being prepared is the consumer's most powerful tool; the opposition usually isn't ready to fight the case."

When the case was settled out of court 16 months later—more than two years after the trouble began—GM agreed to take back the car and pay Faglio \$11,500, plus \$2,000 in legal fees. He was able to

recover about \$1,000 that he had paid in sales taxes. That left him with a net loss of \$680: \$300 on the Fiero, \$340 on the sale of his clunker and \$40 in taxes. **LEGAL REMEDIES.** Nearly all states and the District of Columbia have lemon laws, but their provisions vary. New York's law now encourages car owners to go through arbitration, which is often conducted by the American Arbitration Association. There's a \$225 fee, which is refundable if you win.

In New York, a car that has been declared a lemon by arbitrators has that fact noted in its title. Most manufacturers don't want the headache of trying to sell a lemon, so they're often eager to settle a case before going to arbitration. **POSTSCRIPT.** On the day GM picked up the Fiero, Faglio smelled smoke in the new Chevrolet Cavalier he had bought as a replacement. Then the car developed a surging problem and was out of commission for two weeks.

Disgusted, Faglio sued GM again in small-claims court for money spent on car rentals. When the GM lawyer failed to show up, Faglio was awarded \$358.68. ■

RESEARCH REPORTER: ADRIENNE BLUM